

cent in my home State. The sky did not fall on the small store owners. But roadside litter dropped dramatically, solid waste tonnage fell, and citizens gained a stronger environmental ethic.

The time has arrived for a national bottle bill. The only growing glitch with the system is that different States use different administrative methods to accomplish the same end. Bottlers are having to use different labeling systems and sometimes find that renegade containers have entered the system.

A national system would encourage a strong supply of uniform containers for reuse. Containers destined to be recycled would serve to stimulate the recycling market. Those traveling across State lines would be assured of a market for their empty containers.

This bill requires minimal Government expense. On the contrary, enactment of this legislation would lessen the burden on municipal waste collection efforts and help to extend the life of municipal landfills. These are revenue gains for communities.

Mr. President, I commend Senator HATFIELD for the work he has done on this initiative. I encourage other Members to support this bill and to help to see to its passage. A vote for the bottle bill is a vote for clean streets, energy conservation and a better environment.

Mr. President, I ask unanimous consent that a letter to Senator HATFIELD from the American Hiking Society be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

AMERICAN HIKING SOCIETY,
Washington, DC, May 9, 1989.

HON. MARK O. HATFIELD,
U.S. Senate, Washington, DC.

DEAR SENATOR HATFIELD: The American Hiking Society is pleased to hear that you are introducing legislation to encourage recycling of beverage containers. Similar regional legislation has been very successful in decreasing litter and solid waste problems in many areas of the country. We strongly support your decision to introduce the National Beverage Container Reuse and Recycling bill.

The American Hiking Society is a national organization dedicated to promoting trail development and preservation. Through our advocacy work with local trail groups all over the country we are very much aware of the litter problems, especially beverage containers, along trails and transportation corridors. We have supported efforts to encourage recycling in the past and we offer our support and the support of our member groups in helping to pass this legislation.

Thank you again for providing the leadership in the Senate to introduce this important legislation. If the American Hiking Society can be of any assistance, please feel free to contact us.

Sincerely,

THOMAS R. HARVEY,
Executive Assistant

By Mr. HARKIN (for himself,
Mr. KENNEDY, Mr. DURENBERGER, Mr. SIMON, Mr. JEFFORDS, Mr. CRANSTON, Mr. MCCAIN, Mr. MITCHELL, Mr.

CHAFEE, Mr. LEAHY, Mr. STEVENS, Mr. INOUE, Mr. COHEN, Mr. GORE, Mr. PACKWOOD, Mr. RUSSELL, Mr. GRAHAM, Mr. PELL, Mr. DODD, Mr. ADAMS, Mr. MIKULSKI, Mr. METZENBAUM, Mr. MATSUNAGA, Mr. WIRTH, Mr. BINGAMAN, Mr. CONRAD, Mr. BURDICK, Mr. LEVIN, Mr. LIEBERMAN, Mr. MOYNIHAN, Mr. KERRY, Mr. SARBANES, Mr. BOSCHWITZ, and Mr. HEINZ):

S. 933. A bill to establish a clear and comprehensive prohibition of discrimination on the basis of disability; to the Committee on Labor and Human Resources.

AMERICANS WITH DISABILITIES ACT

Mr. HARKIN. Mr. President, I rise today to introduce, along with 32 of my colleagues, the Americans With Disabilities Act of 1989—the ADA.

The ADA is, without exaggeration, the most critical legislation affecting persons with disabilities ever considered by the Congress. As Justin Dart, the former Commissioner of the Rehabilitation Services Administration under the Reagan administration has stated:

[The ADA] is a landmark statement of human rights, which will, at long last, keep the promise of "liberty and justice for all" to the nation's last large oppressed minority. . . . All of us who are associated with the Americans with Disabilities Act have a profound responsibility to millions in future generations. I pray every day that I, and that each one of us, can reach into the depths of our souls and somehow find the courage to act with such responsibility for the sacred values of democracy and of human life that our grandchildren, and their children after them, will be proud to speak our names.

Last year, the Americans With Disabilities Act of 1988 (S. 2345) had 27 sponsors, 17 Democrats and 10 Republicans. It is most gratifying that the ADA of 1989 is also starting down the road to enactment in a truly bipartisan manner.

Original cosponsors include: Mr. KENNEDY of Massachusetts, Mr. DURENBERGER of Minnesota, Mr. SIMON of Illinois, Mr. JEFFORDS of Vermont, Mr. CRANSTON of California, Mr. MCCAIN of Arizona, Mr. MITCHELL of Maine, Mr. CHAFEE of Rhode Island, Mr. LEAHY of Vermont, Mr. STEVENS of Alaska, Mr. INOUE of Hawaii, Mr. COHEN of Maine, Mr. GORE of Tennessee, Mr. PACKWOOD of Oregon, Mr. RIEGLE of Michigan, Mr. GRAHAM of Florida, Mr. PELL of Rhode Island, Mr. DODD of Connecticut, Mr. ADAMS of Washington, Mr. MIKULSKI of Maryland, Mr. METZENBAUM of Ohio, Mr. MATSUNAGA of Hawaii, Mr. WIRTH of Colorado, Mr. BINGAMAN of New Mexico, Mr. CONRAD of North Dakota, Mr. BURDICK of North Dakota, Mr. LEVIN of Michigan, Mr. LIEBERMAN of Connecticut, Mr. MOYNIHAN of New York, Mr. KERRY of Massachusetts, and Mr. SARBANES of Maryland.

The ADA has been endorsed by more than 85 national organizations representing people with a wide varie-

ty of disabilities, religious organizations, and by the Leadership Conference on Civil Rights, an umbrella organization representing 185 organizations active in the area of civil rights.

The ADA extends civil rights protections for people with disabilities to cover employment in the private sector, public accommodations, services provided by State and local governments, transportation, and telecommunications.

The ADA sends a clear and unequivocal message to people with disabilities that they are entitled to be treated with dignity and respect and to be judged as individuals on the basis of their abilities and not on the basis of presumptions, generalizations, misperceptions, ignorance, irrational fears, patronizing attitudes, or pernicious mythologies.

The ADA also sends a clear message to employers, places of public accommodations, State and local governments, public transit authorities, telephone companies and others that the full force of the Federal law will come down on anyone who continues to subject persons with disabilities to discrimination by segregating them, by excluding them, or by denying them equally effective and meaningful opportunity to benefit from all aspects of life in America. No longer will our Nation tolerate the continued building of architectural, transportation, and communication barriers that prevent or restrict individuals with disabilities from living independent and productive lives in the mainstream of American society.

The ADA, plain and simple, is a broad and remedial bill of rights for individuals with disabilities. It is their emancipation proclamation.

Why is this bill needed?

The National Council on Disability, an independent Federal agency whose current membership consists of 15 persons appointed by President Reagan, has documented in two recent publications, "Toward Independence" and "On the Threshold of Independence" the distressing reality that discrimination against persons with disabilities in employment, public accommodations, housing, transportation, communications, and public services is still substantial and pervasive in our Nation.

The National Council explained:

A major obstacle to achieving the societal goals of equal opportunity and full participation of individuals with disabilities is the problem of discrimination. Discrimination consists of the unnecessary and unfair deprivation of opportunity because of some characteristic of a person. It is the antithesis of equal opportunity. The severity and pervasiveness of discrimination against people with disabilities is well-documented.

One of the National Council's chief recommendations was the enactment of an omnibus civil rights statute extending protections under our Nation's civil rights laws to prohibit discrimination in areas such as employment in

the private sector, public accommodations, public services, transportation, and communications. S. 2345, the Americans with Disabilities Act of 1988, was the product of their work.

The U.S. Commission on Civil Rights, another independent agency established by Congress, recently concluded in a publication entitled "Accommodating the Spectrum of Individual Abilities" (1983) that:

Despite some improvements . . . [discrimination] persists in such critical areas as education, employment, institutionalization, medical treatment, involuntary sterilization, architectural barriers, and transportation. The Commission further observed that: "Discriminatory treatment of handicapped persons can occur in almost every aspect of their lives."

In 1986, Louis Harris and Associates conducted a nationwide poll of Americans with disabilities "The ICD Survey of Disabled Americans: Bringing Disabled Americans Into the Mainstream." Mr. President, I would like to share with you some of Mr. Harris' major findings.

Disabled Americans are much poorer than are nondisabled Americans, with a particularly disturbing rate of poverty among elderly persons with disabilities.

Being disabled means having less social life than nondisabled people, and, for a majority of disabled persons, not being able to get around and socialize.

Disabled Americans participate much less often in a host of social activities that other Americans regularly enjoy, including going to movies, plays, sports events, and restaurants.

Having a disability also has a negative impact on vital daily activities, like shopping for food. A much higher proportion of disabled persons than nondisabled persons never shop in a grocery store.

Disabled Americans are also less involved in community life than are nondisabled Americans.

A 57-percent majority of disabled Americans feel that their disability has prevented them from reaching their full abilities as a person.

Not working is perhaps the truest definition of what it means to be disabled: two-thirds of all disabled Americans between the age of 16 and 64 are not working at all; but, a large majority of those not working say that they want to work. Sixty-six percent of working-age disabled persons, who are not working, say that they would like to have a job. What this means is that about 8.2 million people with disabilities want to work but can't find a job.

The majority of those not working, and out of the labor force, must depend on insurance payments or government benefits for support.

Eighty-two percent of people with disabilities would give up their government benefits in favor of a full-time job.

Individuals with disabilities who say that their disability contrains their ac-

tivities and social life identify several important barriers which contribute to their problems, including lack of access to public transportation and lack of access to public buildings and bathrooms.

In 1987 Louis Harris and Associates conducted a followup survey "ICD II Employing Disabled Americans." Among the most important findings of this survey were the following:

By almost any definition, Americans with disabilities are uniquely underprivileged and disadvantaged. They are much poorer, much less well educated and, have much less social life, have fewer amenities and have a lower level of life satisfaction than other Americans.

Large majorities of top managers, 72 percent—equal opportunity officers, 76 percent—and department heads/line managers, 80 percent—feel that disabled people often encounter job discrimination from employers and that discrimination by employers remains an inexcusable barrier to increased employment of disabled people.

In 1987, President Reagan established a commission to study and make recommendations on the AIDS epidemic. One year later, the Commission issued its final report, with recommendations "Report of the Presidential Commission on the Human Immunodeficiency Virus Epidemic."

One of the major findings of the Commission is that discrimination against individuals with HIV seropositivity and all stages of HIV infection, including AIDS, is widespread and has serious repercussions for both the individual who experiences it and for this Nation's efforts to control the epidemic. As the report concludes:

as long as discrimination occurs, and no strong national policy with rapid and effective remedies against discrimination is established, individuals who are infected with HIV will be reluctant to come forward for testing, counseling, and care. This fear of potential discrimination . . . will undermine our efforts to contain the HIV epidemic, and will leave HIV-infected individuals isolated and alone.

One of the major recommendations of the report is the enactment of:

comprehensive Federal anti-discrimination legislation, which prohibits discrimination against persons with disabilities in the public and private sectors, including employment, housing, public accommodations, and participation in government programs, should be enacted. All persons with symptomatic or asymptomatic HIV infection should be clearly included as persons with disabilities who are covered by the antidiscrimination protections of this legislation.

In sum, the unfortunate truth is that individuals with disabilities are a discrete and insular minority who have been faced with restrictions and limitations, subjected to a history of purposeful unequal treatment, and relegated to a position of political powerlessness in our society, based on characteristics that are beyond the control of such individuals and resulting from stereotypic assumptions not truly in-

dicative of the ability of such individuals to participate in and contribute to society.

The other unfortunate truth is that Federal law does not reach many of these discriminatory acts. In 1964, the Congress, in passing the historic Civil Rights Act of 1964, extended protections to minorities to prohibit discrimination by recipients of Federal aid, to minorities and women to prohibit discrimination by employers, and to minorities to prohibit discrimination by places of public accommodations.

And yet, 25 years after the passage of the Civil Rights Act of 1964, Federal law still does not provide protections for persons with disabilities who are denied a job in the private sector; denied the right to go to a restaurant, hotel, theater, shopping center, doctor's office or other place of public accommodation; and denied access to voting places for State and local elections and other rights and opportunities made available by State and local governments. Further, deaf and hard of hearing people and people with communication disorders are still being denied effective opportunity to use telephones.

Currently, Federal law only protects individuals with disabilities from discrimination by Federal agencies in employment—section 501 and section 504 of the Rehabilitation Act of 1973—by recipients of Federal financial assistance in employment and in the provision of programs and activities—section 504—and by Federal agencies in the conduct of their business—section 504. Section 503 requires Federal contractors to take affirmative actions to hire people with disabilities.

In addition to the lack of protection against discrimination in the areas of employment in the private sector, public accommodations, all services provided by State and local governments, and telecommunications, there is also a need to clarify the applicability of section 504 of the Rehabilitation Act of 1973 to public transportation because the Reagan administration and some Federal courts have totally misconstrued the meaning of section 504.

One of the precepts of section 504 is that segregation of people with disabilities will not be tolerated in much the same way that title VI of the Civil Rights Act of 1964 makes segregation of racial and ethnic minorities illegal. Section 504 is intended to provide people with disabilities the same right to ride the same buses that nondisabled people ride.

In other words, mainstreaming of people with disabilities is one of the essential principles of section 504. Thus, the majority opinion of the three judge panel of the Third Circuit Court of Appeals in *Adapt versus Burnley* was correct when it said that section 504 was designed to emancipate people with disabilities and that mainstreaming is required; thereby,

rejecting a contrary conclusion by the district court judge. The majority correctly concluded that public transit authorities are compelled under section 504 to make reasonable accommodations to their program; that is, purchase new wheelchair-accessible buses to fulfill the statute's goal of integration.

Thus, there is a need to clarify section 504 in the public transportation context to ensure once and for all that no Federal agency or judge will ever again misconstrue the congressional mandate to integrate people with disabilities into the mainstream.

Thus, the purposes of the ADA include providing clear, strong, consistent, enforceable standards addressing all forms of discrimination against individuals on the basis of disability and ensuring that the Federal Government plays a central role in enforcing these standards on behalf of individuals with disabilities. This means that discrimination on the basis of disability in any form will not be tolerated and people with disabilities will be able to hold their Federal Government accountable for ensuring the enforcement of their rights.

The ADA is designed to prohibit discrimination against individuals on the basis of disability. This means that covered entities cannot discriminate against a person with a physical or mental impairment that substantially limits a major life activity, a person with a record of such an impairment, or a person being regarded as having such an impairment. See the final regulations implementing the Fair Housing Amendments Act of 1988 (54 Fed. Reg. 3332 et seq., January 23, 1989) for a definition of the terms "physical or mental impairment" and "major life activities," "has a record of such impairment," and "is regarded as having an impairment." See also appendix A to the regulations originally published by the Department of Health, Education, and Welfare on May 4, 1977 (42 Fed. Reg. 22876) for a more detailed explanation of these terms.

Discrimination made illegal under the ADA includes harms—such as segregation, exclusion, or denial of benefits, services, or other opportunities that are as effective and meaningful as those provided to others—resulting from actions or inactions that discriminate by effect as well as by intent or design.

Discrimination includes harms affecting individuals with disabilities or persons associated with such individuals that are based on false presumptions, generalizations, misperceptions, patronizing attitudes, ignorance, irrational fears, and pernicious mythologies. Discrimination under the ADA includes the effects a person's handicap may have on others.

Discrimination under the ADA also includes harms resulting from the construction of transportation, architectural, and communication barriers and the adoption or application of stand-

ards and criteria and practices and procedures. Thus, actions based on thoughtlessness or indifference—of benign neglect—will not be tolerated.

Mr. President, some of my colleagues have been asking me "what will this bill cost?" They are hearing from businesses and other covered entities that the costs of providing reasonable accommodations and designing and constructing accessible facilities are substantial.

Mr. President, let me address these concerns one at a time. First, costs do not provide the basis for an exemption from the basic principles in a civil rights statute. Like the ADA, the mandate to end discrimination must be clear and unequivocal.

Second, the question of costs associated with ensuring civil rights for people with disabilities has been exaggerated. For example, in the employment context a survey of employers obligated to provide "reasonable accommodations" found that compliance was "no big deal." "A Study of Accommodations provided to Handicapped Employees by Federal Contractors" (Berkeley Planning Associates, June 1987). In 1987, Honeywell, in its own report on employees with disabilities indicated that "the majority of accommodations provided to employees with disabilities cost less than \$50."

The President's Committee on Employment of People With Disabilities operates JAN, the Jobs Accommodation Network. JAN helps employers design accommodations for their employees with disabilities. Mr. President, let me share with you typical examples of low-cost accommodations that enable employees with disabilities to perform their jobs.

An individual working in the food service industry, who only had the use of one hand, was able to perform all of the tasks expected of her except opening cans. The company purchased a specially designed can opener for people who only have the use of one hand. The cost of the accommodation was \$35.

A receptionist who was legally blind was provided a light probe which allowed her to determine which lines on a telephone were ringing, on hold, or in use. The cost of the accommodation was \$45.

A salesperson with cerebral palsy was provided a headset for a phone that allowed him to write while talking. The cost of the accommodation was \$49.95.

A groundskeeper who had recovered from a stroke had limited use of one arm, yet to maintain his position needed to be able to rake grass. The use of a detachable extension arm on the rake allowed him to grasp the handle on the extension with the hand with limited use and control the rake with his other hand. The cost of the accommodation was \$19.80.

A medical technician who was deaf needed a timer that had an indicator light in order to perform the lab tests

required by her job. The cost of the accommodation was \$26.95.

A potato inspector was required to cove out bad spots in potatoes with a potato corer. Carpal tunnel syndrome drastically reduced the inspector's ability to perform this task. An adapted potato corer mounted on a table allowed the inspector to remain in his position. The cost of the accommodation was \$33.

A housekeeper in a motel who had bending restrictions needed to inspect under the beds when she cleaned rooms. A mirror on an extending wand and a reacher allowed her to both inspect and reach any items under the beds. The cost of the accommodation was \$11.

With respect to proving access to buildings, when new buildings are designed with accessibility in mind, the costs are often less than one fourth of 1 percent. One survey of the costs of making new buildings accessible found that facilities spent on an annual basis for cleaning and polishing the floors 13 times more than the amount expended for making the buildings accessible.

That is not to say there won't be costs or that it is inappropriate to recognize cost in devising particular standards for inclusion in the bill. For example, cost was a factor in the decision that the bill should not mandate the retrofitting of existing buses; only new buses must be accessible. With respect to employment, an employer is not responsible for providing a reasonable accommodation if it can demonstrate undue hardship on the business. With respect to existing facilities, the bill does not require that existing facilities used by places of public accommodations be made fully accessible. A covered entity need only make structural changes that are readily achievable; a concept which does not require substantial expenditures. For example, an office building might be required to construct an \$80 ramp but would not be required to add an elevator.

Third, a focus or emphasis on the costs of compliance by covered entities totally misses the bigger picture. The economic benefits to society in terms of reductions in the deficit from getting people off welfare, out of institutions, and on to the tax rolls cannot be ignored. This bill must be part of our overall strategy to get our Nation's economic house in order.

The National Council on Disability has analyzed the Federal spending on people with disabilities. In its reports to Congress referred to earlier in my remarks, the Council found that the Nation's Federal expenditures on disability benefits and programs exceeds \$60 billion, annually, with \$57 billion spent on programs premised on the dependency of the people who receive benefits—the remainder is expended for education, training, and rehabilitation. Eligibility for these welfare and benefit programs is based upon inability

ity to engage in substantial gainful activity or significant low income—for example, SSI, SSDI, Medicaid, and Medicare. The \$57 billion figure does not even include the costs by State, local, and private companies, which may be equal to the Federal expenditure.

I believe that the ADA will substantially reduce the costs of dependency of individuals with disabilities. As I mentioned previously in my statement, Lou Harris recently found that "not working" perhaps the truest definition of what it means to be disabled in America. Ending discrimination will have the direct and immediate effect of reducing the Federal Government's expenditure of \$57 billion per year on disability benefits and programs that are premised on dependency of the individual with a disability. It will also have the immediate effect of increasing the likelihood that many of 12 million Americans with disabilities of working age who are unemployed but want to work will become consumers and taxpayers.

Every cost-benefits analysis of the section 504 regulations has reached the same conclusion. For example, the Department of Labor concluded that its rule would have a substantial beneficial effect in the form of reduced need for veterans benefits, rehabilitation, disability, medical and food stamp payments (45 Fed. Reg. 66,706, 66,718 (1980)).

The Department of Labor also acknowledged "intangible benefits such as greater independence for handicapped individuals, a more productive workforce and a larger pool of skilled taxpaying workers." (Id.) Furthermore, the Department added, "When individuals move from being recipients of various types of welfare payments to skilled taxpaying workers, there are obviously many benefits not only for the individuals but for the whole society." (p. 66,721)

This is the time to take steps to facilitate the flow of people with disabilities into paid employment. As Jay Rochlin, the Executive Director of the President's Committee on Employment of People With Disabilities has said:

The demographics have given us an unprecedented 20 year window of opportunity. Employers will be desperate to find qualified employees. Of necessity, they will have to look beyond their traditional sources of personnel and work to attract minorities, women, and others for a "new" workforce. Our challenge is to insure that the largest minority, people with disabilities, is included.

So, Mr. President, on behalf of my brother who is deaf, my nephew who is quadriplegic, and the 43 million Americans with disabilities, today we introduce this historic legislation—the Americans With Disabilities Act. Let's celebrate the 25th anniversary of the enactment of the Civil Rights Act of 1964 by passing the ADA this year and finally recognize the civil rights of Americans with disabilities.

Set out below is a brief summary of the bill.

Section 1 is the short title. Section 2 sets out congressional findings and the purposes of the bill. Section 3 defines several key terms such as: "disability," "auxiliary aids and services," and "reasonable accommodations." These definitions are comparable to the definitions used for purposes of section 503 of the Rehabilitation Act of 1973—which requires government contractors to take affirmative action to hire individuals with disabilities and section 504 of the Rehabilitation Act of 1973—which prohibits discrimination against persons with disabilities by recipients of Federal financial assistance.

Title I sets out the general forms of discrimination prohibited by the act. These general prohibitions are comparable to the prohibitions included in section 504.

Title II specifies that an employer, employment agency, labor organization, or joint labor-management committee may not discriminate against any qualified individual with a disability in regard to any term, condition, or privilege of employment. The ADA incorporates by reference the enforcement provisions under title VII of the Civil Rights Act of 1964. The ADA also incorporates by reference section 1981 of the Civil Rights Act of 1981 for acts of intentional discrimination.

Title III specifies that no qualified individual with a disability may be discriminated against by a State or agency or political subdivision of a State or board, commission, or other instrumentality of a State and political subdivision. Title III also includes specific actions applicable to public transportation provided by public transit authorities considered discriminatory. Finally, title III incorporates by reference the enforcement provisions in section 505 of the Rehabilitation Act of 1973.

Title IV specifies that no individual shall be discriminated against in the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of any place of public accommodation operated by a private entity on the basis of disability. Title IV also includes specific prohibitions on discrimination in public transportation services provided by private entities. Finally, title IV incorporates the applicable enforcement provisions in title VIII of the Civil Rights Act of 1968.

Title V requires all common carriers to provide telecommunication relay services to permit individuals who use nonvoice terminal devices such as TDD's to communicate by telephone with individuals who are able to use voice telephone services. Common carriers that provide intrastate telephone services to their customers must make available provide intrastate relay services. Similarly, common carriers that provide interstate telephone services to their customers must make avail-

able interstate relay services. Common carriers that provide both intrastate and interstate telephone services to their customers must make available both intrastate and interstate relay services.

All relay services must meet minimum standards and guidelines established by the Federal Communications Commission and must provide individuals who use nonvoice terminal devices because of disabilities with opportunities for communications that are equal to those provided to users of voice telephone services.

Common carriers are exempted from the above requirements in those States where the State or one of its agencies designates an entity or entities to provide relay services and those services are in fact provided in a manner consistent with standards and guidelines issued by the Commission.

Title V incorporates by reference applicable enforcement provisions in title VIII of the Civil Rights Act of 1968 and the Communications Act of 1934.

Title VI includes miscellaneous provisions, including: a construction clause explaining the relationship between the provisions in the ADA and the provisions in other Federal and State laws; a prohibition against retaliation; a clear statement that States are not immune from actions in Federal court for a violation of the ADA; a directive to the Architectural and Transportation Barriers Compliance Board to issue guidelines; and authority to award attorney's fees.

Mr. President, I ask unanimous consent that the text of the bill and letters in support of the legislation be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 933

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Americans with Disabilities Act of 1989".

(b) TABLE OF CONTENTS.—The table of contents is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings and purposes.
- Sec. 3. Definitions.

TITLE I—GENERAL PROHIBITION AGAINST DISCRIMINATION

Sec. 101. Forms of discrimination prohibited.

TITLE II—EMPLOYMENT

- Sec. 201. Definitions.
- Sec. 202. Discrimination.
- Sec. 203. Posting notices.
- Sec. 204. Regulations.
- Sec. 205. Enforcement.

TITLE III—PUBLIC SERVICES

- Sec. 301. Definition of qualified individual with a disability.
- Sec. 302. Discrimination.
- Sec. 303. Actions applicable to public transportation considered discriminatory.

Sec. 304. Regulations.
Sec. 305. Enforcement.

TITLE IV—PUBLIC ACCOMMODATIONS AND SERVICES OPERATED BY PRIVATE ENTITIES

Sec. 401. Definitions.
Sec. 402. Prohibition of discrimination by public accommodations.
Sec. 403. Prohibition of discrimination in public transportation services provided by private entities.
Sec. 404. Regulations.
Sec. 405. Enforcement.

TITLE V—TELECOMMUNICATIONS RELAY SERVICES

Sec. 501. Definitions.
Sec. 502. Telecommunications relay services.
Sec. 503. Regulations.
Sec. 504. Enforcement.

TITLE VI—MISCELLANEOUS PROVISIONS

Sec. 601. Construction.
Sec. 602. Prohibition against retaliation.
Sec. 603. State immunity.
Sec. 604. Regulations by the Architectural and Transportation Barriers Compliance Board.
Sec. 605. Attorney's fees.
Sec. 606. Effective date.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

- (1) some 43,000,000 Americans have one or more physical or mental disabilities, and this number is increasing as the population as a whole is growing older;
- (2) historically, society has tended to isolate and segregate individuals with disabilities, and, despite some improvements, such forms of discrimination against individuals with disabilities continue to be a serious and pervasive social problem;
- (3) discrimination against individuals with disabilities persists in such critical areas as employment, housing, public accommodations, education, transportation, communication, recreation, institutionalization, health services, voting, and access to public services;
- (4) unlike individuals who have experienced discrimination on the basis of race, sex, national origin, religion, or age, individuals who have experienced discrimination on the basis of disability have often had no legal recourse to redress such discrimination;
- (5) individuals with disabilities continually encounter various forms of discrimination, including outright intentional exclusion, the discriminatory effects of architectural, transportation, and communication barriers, overprotective rules and policies, failure to make modifications to existing facilities and practices, exclusionary qualification standards and criteria, segregation, and relegation to lesser services, programs, activities, benefits, jobs, or other opportunities;
- (6) census data, national polls, and other studies have documented that people with disabilities, as a group, occupy an inferior status in our society, and are severely disadvantaged socially, vocationally, economically, and educationally;
- (7) individuals with disabilities are a discrete and insular minority who have been faced with restrictions and limitations, subjected to a history of purposeful unequal treatment, and relegated to a position of political powerlessness in our society; based on characteristics that are beyond the control of such individuals and resulting from stereotypic assumptions not truly indicative of the individual ability of such individuals to participate in, and contribute to, society;
- (8) the Nation's proper goals regarding individuals with disabilities are to assure equality of opportunity, full participation,

independent living, and economic self-sufficiency for such individuals; and

(9) the continuing existence of unfair and unnecessary discrimination and prejudice denies people with disabilities the opportunity to compete on an equal basis and to pursue those opportunities for which our free society is justifiably famous, and costs the United States billions of dollars in unnecessary expenses resulting from dependency and nonproductivity.

(b) PURPOSE.—It is the purpose of this Act—

- (1) to provide a clear and comprehensive National mandate for the elimination of discrimination against individuals with disabilities;
- (2) to provide clear, strong, consistent, enforceable standards addressing discrimination against individuals with disabilities;
- (3) to ensure that the Federal government plays a central role in enforcing the standards established in this Act on behalf of individuals with disabilities; and
- (4) to invoke the sweep of congressional authority, including its power to enforce the fourteenth amendment and to regulate commerce in order to address the major areas of discrimination faced day-to-day by people with disabilities.

SEC. 3. DEFINITIONS.

As used in this Act:

(1) AUXILIARY AIDS AND SERVICES.—The term "auxiliary aids and services" shall include—

- (A) qualified interpreters or other effective methods of making aurally delivered materials available to individuals with hearing impairments;
- (B) qualified readers, taped texts, or other effective methods of making visually delivered materials available to individuals with visual impairments;
- (C) acquisition or modification of equipment or devices; and
- (D) other similar services and actions.

(2) DISABILITY.—The term "disability" means, with respect to an individual—

- (A) a physical or mental impairment that substantially limits one or more of the major life activities of such individual;
- (B) a record of such an impairment; or
- (C) being regarded as having such an impairment.

(3) REASONABLE ACCOMMODATION.—The term "reasonable accommodation" shall include—

- (A) making existing facilities used by employees readily accessible to and usable by individuals with disabilities; and
- (B) job restructuring, part-time or modified work schedules, reassignment, acquisition or modification of equipment or devices, appropriate adjustment or modifications of examinations and training materials, adoption or modification of procedures or protocols, the provision of qualified readers or interpreters, and other similar accommodations.

(4) STATE.—The term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Canal Zone, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands.

TITLE I—GENERAL PROHIBITION AGAINST DISCRIMINATION

SEC. 101. FORMS OF DISCRIMINATION PROHIBITED.

(a) IN GENERAL.—

(1) SERVICES, PROGRAMS, ACTIVITIES, BENEFITS, JOBS, OR OTHER OPPORTUNITIES.—Subject to the standards and procedures established in titles II through V, it shall be discriminatory to subject an individual or class of individuals, directly or through contractual, licensing, or other arrangements, on

the basis of disability, to any of the following:

(A) Denying the opportunity to participate in or benefit from a service, program, activity, benefit, job, or other opportunity.

(B) Affording an opportunity to participate in or benefit from a service, program, activity, benefit, job, or other opportunity that is not equal to that afforded others.

(C) Providing a service, program, activity, benefit, job, or other opportunity that is less effective than that provided to others.

(D) Providing a service, program, activity, benefit, job, or other opportunity that is different or separate, unless such action is necessary to provide the individual or class of individuals with a service, program, activity, benefit, job, or other opportunity that is as effective as that provided to others.

(E) Aiding or perpetuating discrimination by providing significant assistance to an agency, organization, or individual that discriminates.

(F) Denying the opportunity to participate as a member of boards or commissions.

(G) Otherwise limiting the enjoyment of any right, privilege, advantage, or opportunity enjoyed by others.

(2) EQUAL OPPORTUNITY.—For purposes of this Act, aids, benefits, and services to be equally effective, must afford an individual with a disability an equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement, in the most integrated setting appropriate to the individual's needs.

(3) OPPORTUNITY TO PARTICIPATE.—Notwithstanding the existence of separate or different programs or activities provided in accordance with this section, an individual with a disability shall not be denied the opportunity to participate in such programs or activities that are not separate or different.

(4) ADMINISTRATIVE METHODS.—An individual or entity shall not, directly or through contractual or other arrangements, utilize standards or criteria or methods of administration—

(A) that have the effect of discrimination on the basis of disability;

(B) that have the purpose or effect of defeating or substantially impairing the accomplishment of the objectives of the services, programs, activities, benefits, jobs, or other opportunities provided with respect to an individual with a disability; or

(C) that perpetuate the discrimination of others who are subject to common administrative control or are agencies of the same State.

(5) RELATIONSHIPS OR ASSOCIATIONS.—It shall be discriminatory to exclude or otherwise deny equal services, programs, activities, benefits, jobs, or other opportunities to an individual or entity because of the relationship to, or association of, that individual or entity with another individual with a disability.

(b) DEFENSES.—

(1) IN GENERAL.—It shall be a defense to a charge of discrimination under this Act that an alleged application of qualification standards, selection criteria, performance standards or eligibility criteria that exclude or deny services, programs, activities, benefits, jobs, or other opportunities to an individual with a disability has been demonstrated by the covered entity to be both necessary and substantially related to the ability of an individual to perform or participate, or take advantage of the essential components of such particular program, activity, job, or other opportunity and such performance, participation, or taking advantage of such essential components cannot be accomplished by applicable reasonable ac-

commodations, modifications, or the provision of auxiliary aids or services.

(2) **QUALIFICATION STANDARDS.**—The term "qualification standards" may include—

(A) requiring that the current use of alcohol or drugs by an alcoholic or drug abuser not pose a direct threat to the health or safety of others in the workplace or program; and

(B) requiring that an individual with a currently contagious disease or infection not pose a direct threat to the health or safety of other individuals in the workplace or program.

TITLE II—EMPLOYMENT

SEC. 201. DEFINITIONS.

As used in this title:

(1) **COMMISSION.**—The term "Commission" means the Equal Employment Opportunity Commission established by section 705 of the Civil Rights Act of 1964 (42 U.S.C. 2000e-4).

(2) **EMPLOYEE.**—

(A) **IN GENERAL.**—The term "employee" means an individual employed by an employer.

(B) **EXCEPTION.**—The term "employee" shall not include any individual elected to public office in any State or political subdivision of any State by the qualified voters thereof, or any individual chosen by such officer to be on such officer's personal staff, or an appointee on the policy making level or an immediate adviser with respect to the exercise of the constitutional or legal powers of the office.

(C) **LIMITATION ON EXCEPTION.**—The exception contained in subparagraph (B) shall not include employees subject to the civil service laws of a State government, governmental agency or political subdivision.

(3) **EMPLOYER.**—

(A) **IN GENERAL.**—The term "employer" means a person engaged in an industry affecting commerce who has 15 or more employees for each working day in each of 20 or more calendar weeks in the current or preceding calendar year, and any agent of such a person.

(B) **EXCEPTIONS.**—The term "employer" does not include—

(1) the United States, a corporation wholly owned by the government of the United States, or an Indian tribe; or

(2) a bona fide private membership club (other than a labor organization) that is exempt from taxation under section 501(c) of the Internal Revenue Code of 1986.

(4) **PERSON, ETC.**—The terms "person", "labor organization", "employment agency", "commerce", and "industry affecting commerce", shall have the same meaning given such terms in section 701 of the Civil Rights Act of 1964 (42 U.S.C. 2000e).

(5) **QUALIFIED INDIVIDUAL WITH A DISABILITY.**—The term "qualified individual with a disability" means an individual with a disability who, with or without reasonable accommodation, can perform the essential functions of the employment position that such individual holds or desires.

SEC. 202. DISCRIMINATION.

(a) **GENERAL RULE.**—No employer, employment agency, labor organization, or joint labor-management committee shall discriminate against any qualified individual with a disability because of such individual's disability in regard to job application procedures, the hiring or discharge of employees, employee compensation, advancement, job training, and other terms, conditions, and privileges of employment.

(b) **CONSTRUCTION.**—As used in subsection (a), the term "discrimination" includes—

(1) the failure by an employer, employment agency, labor organization, or joint labor-management committee to make rea-

sonable accommodations to the known physical or mental limitations of a qualified individual with a disability who is an applicant or employee unless such entity can demonstrate that the accommodation would impose an undue hardship on the operation of its business;

(2) the denial of employment opportunities by a covered employer, employment agency, labor organization, or joint labor-management committee to an applicant or employee who is a qualified individual with a disability if the basis for such denial is because of the need of the individual for reasonable accommodation; and

(3) the imposition or application by a covered employer, employment agency, labor organization or joint labor-management committee of qualification standards, tests, selection criteria or eligibility criteria that identify or limit, or tend to identify or limit, a qualified individual with a disability, or any class of qualified individuals with disabilities, unless such standards, tests or criteria can be shown by such entity to be necessary and substantially related to the ability of an individual to perform the essential functions of the particular employment position.

SEC. 203. POSTING NOTICES.

Every employer, employment agency, labor organization, or joint labor-management committee covered under this title shall post notices in an accessible format to applicants, employees, and members describing the applicable provisions of this Act, in the manner prescribed by section 711 of the Civil Rights Act of 1964 (42 U.S.C. 2000e-10).

SEC. 204. REGULATIONS.

Not later than 180 days after the date of enactment of this Act, the Commission shall issue regulations in an accessible format to carry out this title in accordance with subchapter II of chapter 5 of title 5, United States Code.

SEC. 205. ENFORCEMENT.

The remedies and procedures set forth in sections 706, 709, and 710 of the Civil Rights Act of 1964 (42 U.S.C. 2000e-5, 2000e-8, and 2000e-9), and the remedies and procedures available under section 1981 of the Revised Statutes (42 U.S.C. 1981) shall be available, with respect to any individual who believes that he or she is being or about to be subjected to discrimination on the basis of disability in violation of any provisions of this Act, or regulations promulgated under section 204, concerning employment.

TITLE III—PUBLIC SERVICES

SEC. 301. DEFINITION OF QUALIFIED INDIVIDUAL WITH A DISABILITY.

As used in this title, the term "qualified individual with a disability" means an individual with a disability who, with or without reasonable modifications to rules, policies and practices, the removal of architectural, communication, and transportation barriers, or the provision of auxiliary aids and services, meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by a State or agency or political subdivision of a State or board, commission or other instrumentality of a State and political subdivision.

SEC. 302. DISCRIMINATION.

No qualified individual with a disability shall, by reason of his or her disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination by a State, or agency or political subdivision of a State or board, commission, or other instrumentality of a State and political subdivision.

SEC. 303. ACTIONS APPLICABLE TO PUBLIC TRANSPORTATION CONSIDERED DISCRIMINATORY.

(a) **DEFINITION.**—As used in this title, the term "public transportation" means transportation by bus or rail, or by any other conveyance (other than air travel) that provides the general public with general or special service (including charter service) on a regular and continuing basis.

(b) **VEHICLES.**—

(1) **NEW BUSES, RAIL VEHICLES, AND OTHER FIXED ROUTE VEHICLES.**—It shall be considered discrimination for purposes of this Act and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) for an individual or entity to purchase or lease a new fixed route bus of any size, a new intercity rail vehicle, a new commuter rail vehicle, a new rapid rail vehicle, a new light rail vehicle to be used for public transportation, or any other new fixed route vehicle to be used for public transportation and for which a solicitation by such individual or entity is made later than 30 days after the date of enactment of this Act, if such bus, rail, or other vehicle is not readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs.

(2) **USED VEHICLES.**—If an individual or entity purchases or leases a used vehicle after the date of enactment of this Act, such individual or entity shall make demonstrated good faith efforts to purchase or lease a used vehicle that is readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs.

(3) **REMANUFACTURED VEHICLES.**—If an individual or entity remanufactures a vehicle, or purchases or leases a remanufactured vehicle, so as to extend its usable life for 5 years or more, the vehicle shall, to the maximum extent feasible, be readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs.

(c) **PARATRANSIT AS A SUPPLEMENT TO FIXED ROUTE PUBLIC TRANSPORTATION SYSTEM.**—If an individual or entity operates a fixed route public transportation system to provide public transportation, it shall be considered discrimination, for purposes of this Act and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), for such individual or entity to fail to provide paratransit or other special transportation services sufficient to provide a comparable level of services as is provided to individuals using fixed route public transportation to individuals with disabilities, including individuals who use wheelchairs, who cannot otherwise use fixed route public transportation and to other individuals associated with such individuals with disabilities in accordance with service criteria established under regulations promulgated by the Secretary of Transportation.

(d) **COMMUNITY OPERATING DEMAND RESPONSIVE SYSTEMS FOR THE GENERAL PUBLIC.**—If an individual or entity operates a demand responsive system that is used to provide public transportation for the general public, it shall be considered discrimination, for purposes of this Act and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), for such individual or entity to purchase or lease a new vehicle, for which a solicitation is made later than 30 days after the date of enactment of this Act, that is not readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs unless the entity can demonstrate that such system, when viewed in its entirety, provides a level of service to individuals with disabilities equivalent to that provided to the general public.

(e) **NEW FACILITIES.**—For purposes of this Act and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), it shall be considered discrimination for an individual or entity to build a new facility that will be used to provide public transportation services, including bus service, intercity rail service, rapid rail service, commuter rail service, light rail service, and other service used for public transportation that is not readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs.

(f) **ALTERATIONS OF EXISTING FACILITIES.**—With respect to a facility or any part thereof that is used for public transportation and that is altered by, on behalf of, or for the use of an individual or entity later than 1 year after the date of enactment of this Act, in a manner that affects or could affect the usability of the facility or part thereof, it shall be considered discrimination, for purposes of this Act and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), for such individual or entity to fail to make the alterations in such a manner that, to the maximum extent feasible, the altered portion of the facility, the path of travel to the altered area, and the bathrooms, telephones, and drinking fountains serving the remodeled area are readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs.

(g) **EXISTING FACILITIES, INTERCITY RAIL, RAPID RAIL, LIGHT RAIL, AND COMMUTER RAIL SYSTEMS, AND KEY STATIONS.**—

(1) **EXISTING FACILITIES.**—Except as provided in paragraph (3), with respect to existing facilities used for public transportation, it shall be considered discrimination, for purposes of this Act and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), for an individual or entity to fail to operate such public transportation program or activity conducted in such facilities so that, when viewed in the entirety, it is readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs.

(2) **INTERCITY, RAPID, LIGHT, AND COMMUTER RAIL SYSTEMS.**—With respect to vehicles operated by intercity, light, rapid and commuter rail systems, for purposes of this Act and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), it shall be considered discrimination for an individual or entity to fail to have at least one car per train that is accessible to individuals with disabilities, including individuals who use wheelchairs, as soon as practicable but in any event in no less than 5 years.

(3) **KEY STATIONS.**—For purposes of this Act and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), it shall be considered discrimination for an individual or entity to fail to make stations in intercity rail systems and key stations in rapid rail, commuter rail and light rail systems readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs, as soon as practicable but in no event later than 3 years after the date of enactment of this Act, except that the time limit may be extended by the Secretary of Transportation up to 20 years for extraordinarily expensive structural changes to, or replacement of, existing facilities necessary to achieve accessibility.

SEC. 304. REGULATIONS.

(a) **ATTORNEY GENERAL.**—Not later than 180 days after the date of enactment of this Act, the Attorney General shall promulgate regulations in an accessible format that implement this title (other than section 303), and such regulations shall be consistent with this title and with the coordination regulations under part 41 of title 28, Code of

Federal Regulations (as in existence on January 13, 1978), applicable to recipients of Federal financial assistance under section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794).

(b) SECRETARY OF TRANSPORTATION.

(1) **IN GENERAL.**—Not later than 240 days after the date of enactment of this Act, the Secretary of Transportation shall promulgate regulations in an accessible format that include standards applicable to facilities and vehicles covered under section 303.

(2) **CONFORMANCE OF STANDARDS.**—Such standards shall be consistent with the minimum guidelines and requirements issued by the Architectural and Transportation Barriers Compliance Board in accordance with section 604(b).

SEC. 305. ENFORCEMENT.

The remedies, procedures, and rights set forth in section 505 of the Rehabilitation Act of 1973 (29 U.S.C. 794a) shall be available with respect to any individual who believes that he or she is being or about to be subjected to discrimination on the basis of disability in violation of any provisions of this Act, or regulations promulgated under section 304, concerning public services.

TITLE IV—PUBLIC ACCOMMODATIONS AND SERVICES OPERATED BY PRIVATE ENTITIES

SEC. 401. DEFINITIONS.

As used in this title:

(1) **COMMERCE.**—The term "commerce" means travel, trade, traffic, commerce, transportation, or communication among the several States, or between the District of Columbia and any State or between any foreign country or any territory or possession and any State or the District of Columbia or between points in the same State but through another State or the District of Columbia or foreign country.

(2) **PUBLIC ACCOMMODATION.**—

(A) **IN GENERAL.**—The term "public accommodation" means privately operated establishments—

(i)(I) that are used by the general public as customers, clients, or visitors; or

(II) that are potential places of employment; and

(ii) whose operations affect commerce.

(B) **INCLUSIONS.**—Public accommodations referred to in clause (i)(I) include auditoriums, convention centers, stadiums, theaters, restaurants, shopping centers, inns, hotels, and motels (other than inns, hotels, and motels exempt under section 201(b)(1) of the Civil Rights Act of 1964 (42 U.S.C. 2000a(b)(1))), terminals used for public transportation, passenger vehicle service stations, professional offices of health care providers, office buildings, sales establishments, personal and public service businesses, parks, private schools, and recreation facilities.

(3) **PUBLIC TRANSPORTATION.**—The term "public transportation" means transportation by bus or rail, or by any other conveyance (other than by air travel) that provides the general public with general or special service (including charter service) on a regular and continuing basis.

SEC. 402. PROHIBITION OF DISCRIMINATION BY PUBLIC ACCOMMODATIONS.

(a) **GENERAL RULE.**—No individual shall be discriminated against in the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of any place of public accommodation, on the basis of disability.

(b) **CONSTRUCTION.**—As used in subsection (a), the term "discriminated against" includes—

(1) the imposition or application of eligibility criteria that identify or limit, or tend to identify or limit, an individual with a dis-

ability or any class of individuals with disabilities from fully and equally enjoying any goods, services, facilities, privileges, advantages, and accommodations;

(2) a failure to make reasonable modifications in rules, policies, practices, procedures, protocols, or services when such modifications may be necessary to afford such privileges, advantages, and accommodations unless the entity can demonstrate that making such modifications would fundamentally alter the nature of such privileges, advantages, and accommodations;

(3) a failure to take such steps as may be necessary to ensure that no individual with a disability is excluded, denied services, segregated or otherwise treated differently than other individuals because of the absence of auxiliary aids and services, unless the entity can demonstrate that taking such steps would result in undue burden;

(4)(A) a failure to remove architectural and communication barriers that are structural in nature in existing facilities, and transportation barriers in existing vehicles used by an establishment for transporting individuals (not including barriers that can only be removed through the retrofitting of vehicles by the installation of a hydraulic or other lift), where such removal is readily achievable; and

(B) where an entity can demonstrate that removal of a barrier under subparagraph (A) is not readily achievable, a failure to make such goods, services, facilities, privileges, advantages, and accommodations available through alternative methods if such methods are readily achievable;

(5) with respect to a facility or part thereof that is altered by, on behalf of, or for the use of an establishment later than one year after the date of enactment of this Act in a manner that affects or could affect the usability of the facility or part thereof, a failure to make the alterations in such a manner that, to the maximum extent feasible, the altered portion of the facility, the path of travel to the altered area, and the bathrooms, telephones, and drinking fountains serving the remodeled area, are readily accessible to and usable by individuals with disabilities;

(6) a failure to make facilities constructed for first occupancy later than 30 months after the date of enactment of this Act readily accessible to and usable by individuals with disabilities, except where an entity can demonstrate that it is structurally impracticable to do so, in accordance with standards set forth or incorporated by reference in regulations issued under this title; and

(7) in the case of an entity that uses a vehicle to transport individuals not covered under section 303 or 403—

(A) a failure to provide a level of transportation services to individuals with disabilities, including individuals who use wheelchairs, equivalent to that provided for the general public; and

(B) purchasing or leasing a new bus, or vehicle that can carry in excess of 12 passengers, for which solicitations are made later than 30 days after the date of enactment of this Act, that is not readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs.

SEC. 403. PROHIBITION OF DISCRIMINATION IN PUBLIC TRANSPORTATION SERVICES PROVIDED BY PRIVATE ENTITIES.

(a) **GENERAL RULE.**—No individual shall be discriminated against on the basis of disability in the full and equal enjoyment of public transportation services provided by a privately operated entity that is primarily engaged in the business of transporting people, but is not in the principal business

of providing air transportation, and whose operations affect commerce.

(b) CONSTRUCTION.—As used in subsection (a), the term "discrimination against" includes—

(1) the imposition or application by an entity of eligibility criteria that identify or limit, or tend to identify or limit, an individual with a disability or any class of individuals with disabilities from fully enjoying the public transportation services provided by the entity;

(2) the failure of an entity to—

(A) make reasonable modifications consistent with those required under section 402(b)(2);

(B) provide auxiliary aids and services consistent with the requirements of section 402(b)(3); and

(C) remove barriers consistent with the requirements of section 402(b)(4); and

(3) the purchase or lease of a new vehicle (other than an automobile) that is to be used to provide public transportation services, and for which a solicitation is made later than 30 days after the date of enactment of this Act, that is not readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs.

SEC. 404. REGULATIONS.

(a) ACCESSIBILITY STANDARDS.—Not later than 240 days after the date of enactment of this Act, the Secretary of Transportation shall issue regulations in an accessible format that shall include standards applicable to facilities and vehicles covered under section 403.

(b) OTHER PROVISIONS.—Not later than 240 days after the date of enactment of this Act, the Attorney General shall issue regulations in an accessible format to carry out the remaining provisions of this title not referred to in subsection (a) that include standards applicable to facilities and vehicles covered under section 402.

(c) STANDARDS.—Standards included in regulations issued under subsections (a) and (b) shall be consistent with the minimum guidelines and requirements issued by the Architectural and Transportation Barriers Compliance Board in accordance with section 604(b).

SEC. 405. ENFORCEMENT.

Sections 802(i), 813, and 814 (a) and (d) of the Fair Housing Act (42 U.S.C. 3602(i), 3613, and 3614 (a) and (d)) shall be available with respect to any aggrieved individual, except that—

(1) any reference to a discriminatory housing practice or breach of a conciliation agreement shall be considered to be a reference to a practice that is discriminatory under this title concerning a public accommodation or public transportation service operated by a private entity; and

(2) subparagraph (B) of paragraph (1) and paragraphs (2) and (3) of subsection (a) of section 813 shall not apply.

TITLE V—TELECOMMUNICATIONS RELAY SERVICES

SEC. 501. DEFINITIONS.

As used in this title:

(1) COMMISSION.—The term "Commission" means the Federal Communications Commission.

(2) TELECOMMUNICATIONS RELAY SERVICES.—The term "telecommunications relay services" means services that enable simultaneous communication to take place between individuals who use TDDs or other nonvoice terminal devices and individuals who do not use such devices.

(3) TDD.—The term "TDD" means a Telecommunication Device for the Deaf, a machine that employs graphic communications

in the transmission of coded signals through the nationwide telecommunications system.

SEC. 502. TELECOMMUNICATIONS RELAY SERVICES.

(a) GENERAL RULE.—It shall be considered discrimination for purposes of this Act for any common carrier, as defined in section 3(h) of the Communications Act of 1934 (47 U.S.C. 153(h)), that offers telephone services to the general public, to fail to provide, not later than 1 year after the date of enactment of this Act, interstate or intrastate telecommunication relay services so that such services provide individuals who use nonvoice terminal devices because of disabilities with opportunities for communications that are equal to those provided to their customers who are able to use voice telephone services, except that it shall not be considered discrimination for such a common carrier to fail to provide such services in any State to which subsection (b) applies if such services are provided under subsection (b).

(b) STATE DISCRIMINATION.—It shall be considered discrimination by a State, that designates an entity to provide interstate or intrastate telecommunication relay services to individuals throughout the entire State in a manner consistent with regulations issued by the Commission, for purposes of this Act, for such State, through the designated entity, to fail to provide, not later than 1 year after the date of enactment of this Act, interstate or intrastate telecommunication relay services so that such services provide individuals who use nonvoice terminal devices because of disabilities with opportunities for communications that are equal to those provided to their customers who are able to use voice telephone services.

(c) CONSTRUCTION.—Nothing in this title shall be construed to discourage or impair the development of improved or future technology designed to improve access to telecommunications services for individuals with disabilities.

SEC. 503. REGULATIONS.

Not later than 180 days after the date of enactment of this Act, the Commission shall issue regulations to carry out this title, and such regulations shall establish minimum standards and guidelines for telecommunications relay services.

SEC. 504. ENFORCEMENT.

(a) CIVIL ACTIONS.—Section 802(i), 813, and 814 (a) and (d) of the Fair Housing Act (42 U.S.C. 3602(i), 3613, and 3614 (a) and (d)) shall be available with respect to any aggrieved individual, except that—

(1) any reference to a discriminatory housing practice or breach of a conciliation agreement shall be considered to be a reference to a practice that is discriminatory under this title concerning the provision of an appropriate interstate or intrastate telecommunication relay service; and

(2) subparagraph (B) of paragraph (1) and paragraphs (2) and (3) of subsection (a) and subsection (d) of section 813 shall not apply.

(b) ADMINISTRATIVE ENFORCEMENT.—

(1) IN GENERAL.—The Commission shall enforce the provisions of this title.

(2) APPLICABLE ENFORCEMENT PROVISIONS.—The remedies, procedures, and rights set forth in sections 206, 207, 208, and 209 of the Communications Act of 1934 (47 U.S.C. 206, 207, 208, and 209) and in title IV of the Communications Act of 1934 (47 U.S.C. 401 et seq.) shall apply with respect to the enforcement of this title, except that nothing in this subsection shall be construed to limit or restrict in any manner the remedies, procedures, or rights set forth in subsection (a).

(3) CEASE AND DESIST ORDERS.—Whenever, after full opportunity for hearing, on a complaint or under an order for investigation and hearing made by the Commission on

the initiative of the Commission, the Commission shall be of the opinion that any carrier, or any State as described in section 502(b), is or will be in violation of this title or of any regulation issued under this title, the Commission shall—

(A) order that the carrier or State cease and desist from such violation to the extent that the Commission finds that such violation exists or will exist; and

(B) take other actions as it finds appropriate and necessary.

(4) PENALTIES.—

(A) IN GENERAL.—Any carrier or State to which section 502(b) applies that knowingly fails or neglects to comply with this title or of any regulation or order made by the Commission in carrying out this title shall forfeit to the United States the sum of \$10,000 for each such offense.

(B) SEPARATE OFFENSES.—Each distinct violation of the provisions of this title shall be a separate offense under subparagraph (A). In case of a continuing violation, each day shall be considered a separate offense.

(C) RECOVERING FORFEITURES.—Such forfeitures shall be payable and recoverable in the same manner as prescribed in section 504 of the Communications Act of 1934 (47 U.S.C. 504).

TITLE VI—MISCELLANEOUS PROVISIONS

SEC. 601. CONSTRUCTION.

(a) REHABILITATION ACT OF 1973.—Nothing in this Act shall be construed to reduce the scope of coverage or apply a lesser standard than the coverage required or the standards applied under title V of the Rehabilitation Act of 1973 (29 U.S.C. 790 et seq.) or the regulations issued by Federal agencies pursuant to such title.

(b) OTHER LAWS.—Nothing in this Act shall be construed to invalidate or limit any other Federal law or law of any State or political subdivision of any State or jurisdiction that provides greater protection for the rights of individuals with disabilities than are afforded by this Act.

(c) RELATIONSHIP AMONG TITLES.—The requirements contained in titles I through V shall be construed in a manner that is consistent with the other provisions of this Act, and any apparent conflict between provisions of this Act shall be resolved by reference to the title that specifically covers the type of action in question.

SEC. 602. PROHIBITION AGAINST RETALIATION.

No individual shall discriminate against any other individual because such other individual has opposed any act or practice made unlawful by this Act or because such other individual made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this Act.

SEC. 603. STATE IMMUNITY.

A State shall not be immune under the Eleventh Amendment to the Constitution of the United States from an action in Federal court for a violation of this Act. In any action against a State for a violation of the requirements of this Act, remedies (including remedies both at law and in equity) are available for such a violation to the same extent as such remedies are available for such a violation in an action against any public or private entity other than a State.

SEC. 604. REGULATIONS BY THE ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD.

(a) ISSUANCE OF GUIDELINES.—Not later than 6 months after the date of enactment of this Act, the Architectural and Transportation Barriers Compliance Board shall issue minimum guidelines that shall supplement the existing Minimum Guidelines and

Requirements for Accessible Design for purposes of sections 304 and 404.

(b) **COMMENTS OF GUIDELINES.**—The guidelines issued under subsection (a) shall establish additional requirements, consistent with this Act, to ensure that buildings, facilities, and vehicles are accessible, in terms of architecture and design, transportation, and communication, to individuals with disabilities.

SEC. 404. ATTORNEY'S FEES.

In any action or administrative proceeding commenced pursuant to this Act, the court, or agency, in its discretion, may allow the prevailing party, other than the United States, a reasonable attorney's fee, including litigation expenses, and costs, and the United States shall be liable for the foregoing the same as a private individual.

SEC. 405. EFFECTIVE DATE.

This Act shall become effective on the date of enactment.

CONSORTIUM FOR CITIZENS WITH DISABILITIES,

May 8, 1989.

Hon. TOM HARKIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR HARKIN: The Consortium for Citizens with Disabilities (CCD) and other national organizations that advocate for the rights of America's 43 million citizens with disabilities and chronic disorders, would like to thank you for your leadership on The Americans With Disabilities Act of 1989. This bill seeks to establish a comprehensive national mandate to eliminate discrimination against persons with disabilities.

Discrimination is a daily experience for individuals who have disabilities. This bill will afford civil rights protections to all individuals in this country who have disabilities. It is intended to provide people with disabilities, America's largest minority, the same federal civil rights protections that are enjoyed by other minorities.

It is time for this country to address the reality that Americans with disabilities are relegated to second-class citizenship. This long overdue legislation simply states that people with disabilities are entitled to the same rights that all other Americans take for granted—the right to communicate, the right to work, the right to live in the community, and the right to socialize.

As President Bush has stated, "Disabled people do not have the same civil rights protections as women and minorities . . . I am going to do whatever it takes to make sure the disabled are included in the mainstream. For too long they've been left out. But they're not going to be left out anymore." The Americans With Disabilities Act is a significant step toward achieving this goal.

Again, we would like to thank you for your leadership. We look forward to working with you to enact this law. Thank you.

Sincerely,

ACLD, An Association for Children and Adults with Learning Disabilities.

AIDS Action Council.

Alexander Graham Bell Association for the Deaf.

American Academy of Child and Adolescent Psychiatry.

American Academy of Otolaryngology Head and Neck Surgery.

American Association for Counseling and Development.

American Association of the Deaf-Blind.

American Association on Mental Retardation.

American Association of University Affiliated Programs.

American Civil Liberties Union.

American Council of the Blind.

American Deafness and Rehabilitation Association.

American Diabetes Association.

American Foundation for the Blind.

American Psychological Association.

American Speech-Language-Hearing Association.

Association for Education and Rehabilitation of the Blind and Visually Impaired.

Association for the Education of Rehabilitation Facility Personnel.

Association for Retarded Citizens of the United States.

Autism Society of America.

Child Welfare League of America.

Conference on Educational Administrators Serving the Deaf.

Convention of American Instructors of the Deaf.

Council for Exceptional Children.

Deafness Research Foundation.

Disabled But Able to Vote.

Disability Rights Education and Defense Fund.

Epilepsy Foundation of America.

Episcopal Awareness Center on Handicapped.

Gallaudet University Alumni Association.

Gazette International Networking Institute.

International Association of Parents of the Deaf.

International Polio Network.

International Ventilator Users Network.

Lambda Legal Defense and Education Fund.

Leadership Conference on Civil Rights.

Mental Health Law Project.

National Alliance for the Mentally Ill.

National Association for Music Therapy.

National Association of the Deaf.

National Association of Developmental Disabilities Councils.

National Association of Private Residential Resources.

National Association of Protection and Advocacy Systems.

National Association of Rehabilitation Facilities.

National Association of Rehabilitation Professionals in the Private Sector.

National Association of State Mental Retardation Program Directors.

National Coalition for Cancer Survivorship.

National Council of Community Mental Health Centers.

National Council on Independent Living.

National Council on Rehabilitation Education.

National Down Syndrome Congress.

National Easter Seal Society.

National Fraternal Society of the Deaf.

National Handicapped Sports and Recreation Association.

National Head Injury Foundation.

National Mental Health Association.

National Multiple Sclerosis Society.

National Organization for Rare Disorders.

National Organization on Disability.

National Recreation and Park Association.

National Rehabilitation Association.

National Spinal Cord Injury Association.

Paralyzed Veterans of America.

People First International.

Self Help for Hard of Hearing People, Inc.

Spina Bifida Association of America.

Telecommunications for the Deaf, Inc.

The Association for Persons with Severe Handicaps.

Tourette Syndrome Association.

United Cerebral Palsy Associations, Inc.

World Institute on Disability.

MAY 8, 1989.

DEAR SENATORS HARKIN AND KENNEDY: We, the undersigned representatives of denominations and faith groups in the United States, are deeply concerned about the discrimination daily faced by individuals with physical or mental disabilities. Such discrimination can be found in every segment of life in this society. Although there have been some improvements in the last few years, largely due to protection afforded by section 504 of the Rehabilitation Act of 1973, such discrimination remains a pervasive problem for over 42 million disabled Americans.

As members of faith groups, it is our responsibility to strengthen and heal one another within the human family. The unity of the family is broken where any are left out or are subject to unequal treatment or discrimination. "If one member suffers, all suffer together; if one member is honored, we all rejoice together" (1 Corinthians 12:26). Those with physical and mental disabilities have for too long been the target of such suffering, prejudice and discrimination effectively denying them the opportunity to compete on an equal basis for all of the rights, privileges and opportunities that are afforded to others as members of this society.

We write today to express our support for strong federal legislation addressing these issues, particularly in the private sector where much of that discrimination now takes place. We urge that you support legislation to protect the rights of persons with disabilities including particular attention to the problem of discrimination in employment, communications, access to public services, and public accommodations. One such piece of legislation introduced in Congress which appears to us to meet our principles is the Americans with Disabilities Act of 1989. This legislation provides protection against discrimination for individuals with disabilities similar to protection provided other minorities in current civil rights law.

We also want to make clear our support for inclusion of those infected by the Human Immunodeficiency Virus and people living with AIDS. We concur with the Report of the Presidential Commission on the HIV Epidemic:

"As long as discrimination occurs, and no strong national policy with rapid and effective remedies against discrimination is established, individuals who are infected with HIV will be reluctant to come forward for testing, counseling, and care. This fear of potential discrimination will limit the public's willingness to comply with the collection of epidemiological data and other public health strategies, will undermine our efforts to contain the HIV epidemic, and will leave HIV-infected individuals isolated and alone. Discrimination against persons with HIV infection in the workplace setting, or in areas of housing, schools, and public accommodations is unwarranted because it has no public health basis. Nor is there any basis to discriminate against those who care for or associate with such individuals."

The Americans with Disabilities Act provides that an individual with a disability must be given equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement in the most integrated setting appropriate to the individual's needs. We urge you to support this bill, or similar legislation, that protects the rights of the disabled by helping to insure that all members of this society are allowed to participate on an equal basis.

Thank you for your consideration of this important issue.

Sincerely,

Dr. Daniel D. Weiss, General Secretary, American Baptist Churches, USA; Dr. John O. Humbert, General Minister and President, Christian Church (Disciples of Christ); Dr. Donald E. Miller, General Secretary, Church of the Brethren; Dr. Claire Randall, President, Church Women United; The Most Reverend Edmond L. Browning, Presiding Bishop, The Episcopal Church; The Reverend Dr. Herbert W. Chilstrom, Bishop, Evangelical Lutheran Church in America; Edward P. Snyder, Executive Secretary, Friends Committee on National Legislation. The Reverend Arie R. Brouwer, General Secretary, National Council of Churches; Rabbi Irwin M. Blank, Past President, Synagogue Council of America; Rabbi Alexander Schindler, President, Union of American Hebrew Congregations; Dr. William F. Schultz, President, Unitarian Universalist Association; Dr. Avery D. Post, President, United Church of Christ; Bishop Robert C. Morgan, President, General Board of Church and Society, The United Methodist Church.

Mr. KENNEDY, Mr. President, I am pleased to join in sponsoring the Americans With Disabilities Act; 43 million Americans with disabilities deserve the opportunity to be first-class citizens in our society.

The road to discrimination is paved with good intentions. For years, because of our concern for the less fortunate, we have tolerated a status of second-class citizenship for our disabled fellow citizens.

The Americans With Disabilities Act will end this American apartheid. It will roll back the unthinking and unacceptable practices by which disabled Americans today are segregated, excluded, and fenced off from fair participation in our society by mindless biased attitudes and senseless physical barriers.

The timing of this bill has special significance in the history of civil rights. This year we celebrate the 25th anniversary of the Civil Rights Act of 1964. That legislation helped bring about one of the greatest peaceful transformations in our history for millions of Americans who were victims of racial discrimination, and this legislation can do the same for millions of citizens who are disabled.

The Americans With Disabilities Act applies to both the public sector and the private sector. It prohibits discrimination on the basis of disability in employment, public accommodations, transportation, and communications. Its goal is nothing less than to give every disabled American a fair share of the American dream.

The removal of physical barriers and access to reasonable accommodations are among the most essential elements of this measure.

The lunch counter sit-ins of the early 1960's led to the great public accommodations title of the 1964 act. But if the students demonstrating at those lunch counters had been in

wheelchairs, they could not have made it through the door of the establishment. If Rosa Parks had been disabled, she could not have boarded the bus at all.

Accessible transportation is the lynchpin for integration of the disabled. It does little good to open the doors of institutions, to provide rehabilitation and early intervention programs, if the disabled can not even leave their homes and move freely in society. Disabled Americans deserve a better future in their communities than to be relegated to sitting in front of television sets in their homes.

Reliance on paratransit facilities often means no transit at all. Paratransit is called a demand-response system, but to many of the disabled it is a beg-deny system. Hundreds and sometimes thousands of disabled citizens in every city languish on paratransit waiting lists, hoping for rides which are denied, or which are provided under strict limitations—only to see the doctor, or only until 3:00 p.m. on weekdays, or only five trips a month. The restrictions are endless. Under these conditions, no human being can work, raise a family, or function normally in society.

In every era, society is confronted with the challenge of dealing with those who are disabled. All too often, out of fear and misunderstanding, the reaction is to shun those who are afflicted. Half a century ago, our response to the polio epidemic was to close swimming pools and instruct children to avoid the water fountain at their school. Many Americans once felt compelled to whisper when mentioning cancer in their family—fearing that it might be transmitted through casual contact.

Even today, young adults suffering from an acute phase of multiple sclerosis are treated as drunk, and older Americans with unrecognized Alzheimer's disease are rebuked for behavior beyond their control. Most recently, we have seen the impact of fear and misinformation in the treatment of people with AIDS. I have heard from individuals and families whose homes have been torched and whose lives have been threatened.

In every case, science, public health and painful experience have shown that the appropriate reaction is not to fear or to isolate, but to reach out with assistance, understanding, and support.

In no instance is this response more essential than in the epidemic of AIDS. Beyond the fundamental issues of fairness and justice for individuals, protections against discrimination for people with HIV disease are essential to protect the public health. We cannot expect to bring this devastating scourge under control unless we make it possible for individuals who believe that they may be infected to come forward for counseling and testing.

If the price of seeking professional medical guidance is the potential loss of employment, public accommodations, and vital services—we cannot possibly expect those at greatest risk to participate in prevention and treatment programs.

The legislation that we are introducing today is designed not only to protect individuals with disabilities—but to protect the general public health and the integrity of our society.

Some will argue that it costs too much to implement this bill. But I reply, it costs too much to go on without it. We are spending billions of dollars today in the Federal budget on programs that make disabled citizens dependent, not independent.

We need a new way of thinking. The short-term cost of this legislation is far less the long-term gain. Disabled does not mean unable.

Vast resources can be saved by making disabled Americans productive Americans. They deserve to participate in the promise of America too. May the enactment of this legislation be the first of many steps in a new effort by Congress and the administration to redeem that promise.

Mr. DURENBERGER. Mr. President, in January of 1988 the National Council on the Handicapped released the report "On the Threshold of Independence" describing the progress that has been made on implementing the recommendations contained in the 1986 report "Toward Independence." While this report acknowledged that Federal legislation already exists concerning discrimination against persons with disabilities, it also pointed out that the existing law is limited to programs or activities receiving Federal assistance, executive agencies, or the U.S. Postal Service. The National Council's report found that a major element to achieving independence and quality of life for people with disabilities lay in the elimination of discrimination and the protection of the rights of the disabled.

Senator Hubert Humphrey once stated in remarks before this body that—

It was once said that the moral test of government is how it treats those who are in the dawn of life, the children; those who are in the twilight of life, the elderly, and those who are in the shadows of life, the sick, the needy, and the handicapped.

I find it disheartening that in a society founded on the notion of equal opportunity, that we continue to focus on the disabilities of some people and fail to recognize their abilities. That is why I will be joining with my distinguished colleagues from Iowa in introducing the Americans with Disabilities Act. The Americans with Disabilities Act is comprehensive legislation developed with the support of the National Council on Disabilities and many others to protect the rights of the disabled and provide a clear and comprehensive mandate to end discrimination

in the areas of employment, public accommodations, transportation, and communications.

Thirty-seven million Americans are disabled and two-thirds of them are not working. In most cases this is not because they do not want to work or are unable to perform the skills necessary for maintaining employment, but rather they are faced with significant barriers that prevent them from working, including lack of transportation or the discriminatory hiring practices of employers.

I would like to tell you about a young woman who is a constituent of mine. R.K. is a very capable young woman who has a bachelor of science degree in psychology and in home economics as well as a masters degree in food science and nutrition. She ranked in the top 10 percent in the Nation when she passed her registered nutritionist examination. However, she also has cerebral palsy. She has had several interviews. I would like to share with you just two that describe the discrimination persons with disabilities face in the work force. One interview took place at a metropolitan hospital where she was told that she was very qualified for the job. However, the hiring authority told her fellow employees would not be comfortable working with a person with a disability. She did not get the job. Another interview was with a State agency in Minnesota. During the interview, she was asked if she drove. An irrelevant question to the job, not asked of other applicants. Then she was asked to demonstrate her handwriting skills. Again, a request not asked of other applicants. She did not get the job.

Another resident of Minnesota, K.L., has cerebral palsy and Kron's disease. His desire was to become a radio disc jockey. His school counselor suggested he talk to the director of the program. When he called, he was told he would have to audition. When he showed up to the audition, K.L. was cut-off midway through because he didn't have what it took to be a disc jockey. The program director said that he had worked with handicapped persons before, that they were difficult to work with and that he didn't care to work with them again.

Mr. President, it is a disgrace that discrimination and bigotry of this kind exists in our society. Not only for those who are denied opportunity to control their own lives and make meaningful choices, but also, for us as a society who does not benefit from the participation of persons with disabilities. America over the next two decades will be in a fight for economic survival. We simply cannot afford the economic cost of discrimination. We cannot afford to waste the abilities and talent persons with disabilities can bring to the labor market. Employment offers individuals the opportunity at a chance, a chance to move from dependency to independence. As I speak with members of the disability

community, I hear over and over again the frustrations of people who only run up against dead ends. There is no hope, there is no sense of self-worth. This legislation will give people like R.K. and K.L. that chance at hope a chance to prove their self-worth by ensuring them the opportunity to compete for jobs on a level playing field. This is a matter of justice without question. But it is also a matter of getting America ready to maintain our strength and leadership into the 21st century.

According to the National Council, "transportation is a critical component of a national policy that promotes the self-reliance and self-sufficiency of people with disabilities." This is especially true for rural areas. The Minnesota Governor's Council on Disabilities recently held hearings on the problems persons with disabilities face in the area of transportation. However, four of the people were unable to attend because their accessible transportation did not arrive. Several other persons had to leave early because their only transportation home came before they could testify. As part of this hearing and an ongoing study of the disabled in Minnesota, the council found that a lack of services in rural areas is forcing the disabled to move to the city where they can receive the services they need to get around and function in society.

Accessible transportation is essential if a person is to seek and maintain a job. According to a 1986 Harris poll, 3 out of every 10 disabled persons say that a lack of accessible or affordable transportation is an important reason why they are not working. This legislation would ensure that all new public buses used in a fixed route system be accessible, that paratransit systems be made available for those disabled who cannot use the mainline system, that new facilities be made accessible, and that a public accommodation that provides transportation services that carry in excess of 12 passengers be accessible.

Lack of access to public buildings and to restrooms is the reason 4 out of 10 people with disabilities do not participate in community activities. Nowhere has this been more clear to me than when a former campaign volunteer in my 1982 campaign, who happened to be in a wheelchair, went in the pouring rain to vote back and could not vote because she was unable to get up the stairs to get into the building to vote. That is one of the reasons I worked to enact the Voting Rights and Accessibility for the Elderly and Handicapped Act (Public Law 98-435). But there are other examples of how a person has not been able to eat in a restaurant, see a movie, apply for a job, deposit money in their bank, simply because the building was not accessible. It is hard for those, me included, who don't experience it everyday to realize the barriers people with disabilities face everyday. Things as

simple as not being able to get into a public telephone booth, or having to measure the width of restrooms.

Minnesota is one of the most progressive States in terms of both rehabilitation and the rights of the disabled. Minnesota has one of the best building codes in the country. The problem is the lack of enforcement. The ADA will provide this enforcement. Title IV of this act specifies that no individual shall be discriminated against in the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of any place of public accommodation, on the basis of disability.

As technology continues to expand and communications play a greater and greater role in everyday life, the deaf community is increasingly left out of this process, simply because they are unable to use the telephone. The telephone has become a necessity in every one of our lives. To deny the deaf an opportunity to communicate when the technology is available to do so is simply unacceptable in today's society. This bill will open the door for communications for the deaf by establishing intrastate and interstate communication networks that allow the deaf to communicate with anyone through a relay system.

I want to compliment Senator HARKIN for the work he has put into this bill over the past year. My colleague from Iowa has worked hard and long to include changes to this year's version of the ADA that I believe significantly improve this bill over last year's version. There are, however, still a few areas of concern that I believe will need to be addressed if this legislation is to pass in this Congress. The first of which is the ability of rural areas to meet the demands of this legislation. It is still somewhat unclear the effect this legislation will have on rural services. Nothing would be worse than if this bill caused an already ailing rural community to discontinue certain services simply because it was unable to meet the demands under this bill. As debate continues on this legislation, I will continue to monitor these effects to ensure that rural community services will not be forced to shut down under the requirements of this bill.

Second, over the past 20 years, the number of Federal regulations imposed on State and local governments has increased dramatically. This tremendous burden on State and local governments drains resources that might be used more effectively at the local level. It is important that the Federal Government not impose mandates on State and local governments without accepting fiscal responsibility for the rules and regulations it imposes. Again, I will follow closely to see that we are not imposing undue burdens without assuming the Federal cost of those burdens.

Third, I would hope that in developing this legislation that we are sensitive to avoid concerns that this act could broaden the interpretation of civil rights to unintended groups, and to allow the U.S. Government to impose undue restrictions on the rights of religious and other private institutions. While I am a strong advocate of civil rights, I am also dedicated to protecting the rights of private institutions and by no means want to see legislation enacted that would restrict religious liberty of private institutions or forces them to compromise their values or morals.

Although these matters will need to be addressed before final passage, I believe that the fundamental goal of this bill—to guarantee equal opportunity and rights to persons with disabilities that are afforded to others in our society and are currently denied to the disabled simply because they are handicapped—must remain intact. I have discussed these concerns with my colleague from Iowa, and I am pleased that he is open to addressing them before final passage of this bill. I look forward to working with Senator HARKIN, the administration in building a landmark bill which we can all proudly support.

Mr. McCAIN. Mr. President, I am pleased to announce my support for the Americans With Disabilities Act. This measure would seek to provide a comprehensive mandate to end discrimination against individuals with disabilities. For too long, disabled Americans have not been afforded the same civil rights as nondisabled persons. We must now act to remedy this disparity.

In 1974, with the signing into law of the Rehabilitation Act, this Nation proudly declared that individuals with disabilities ought to be granted the same right to participate in the fortunes of our society as those without disability. Last year the Congress restated this commitment with the adoption of the Civil Rights Restoration Act.

Despite these efforts, people who are differently abled still face legal discrimination. Although most sectors of society have made major strides in their efforts to bring the disabled into the mainstream of our communities, documented cases of legalized discrimination occur with frequency. We cannot tolerate this situation any longer.

Our country is only as good as the communities that make it up. For our communities to remain dynamic, we must fully incorporate all our citizens. The disabled must not be left out of the mainstream, or the vibrancy of the American landscape will suffer. Obviously much needs to be done before we can finally say with confidence that Americans with disabilities are being afforded an equal opportunity to full participation in our society.

The Americans With Disabilities Act of 1989 will offer the disabled commu-

nity an omnibus civil rights statute. It would offer people with disabilities the same protection in private employment that nondisabled people currently possess. Furthermore, it would prohibit discrimination in public services, transportation, telecommunications, and the practices and operations of a State.

While I support the concepts of this measure, I have some concerns about portions of the bill—among which are the assurance that “undue hardship” for public accommodation be clarified so that small business is not forced to suffer unduly, the scope of the bill’s provisions in regard to interstate transportation systems other than air transportation, the bill’s language concerning penalties, and how telecommunications relay services might impact on all sectors of the telephone industry.

On the last point, during the 100th Congress, I, along with Senator HOLINGS, INOUYE, DANFORTH, and PACKWOOD, introduced the Telecommunications Accessibility Enhancement Act of 1988. This measure was referred to the Commerce Committee, which has jurisdiction over telecommunication issues. The committee gained valuable insight into the issue of telecommunication relay services for the deaf and hard of hearing. Although this measure has been referred to the Subcommittee on the Handicapped, this issue has been of great interest to the Commerce Committee, and its expertise in this area must be called upon.

I would also like to clarify my understanding of the communications section of the bill. It is my understanding that the bill mandates that the common carriers that provide intrastate telephone services within the State provide intrastate relay services. Furthermore that carriers that provide telephone services across State lines would be required to provide relay services for calls made across State lines. And finally, that common carriers that provide both interstate and intrastate services be required to provide both interstate and intrastate relay services.

Those members of our society who use a Telecommunication Device for the Deaf, a TDD, deserve every right to full access to our telecommunications system. I am concerned, however, as to the potential impact on the small rural and independent telephone companies. The legislation calls for the Federal Communications Commission to rule in this area as to what will be required to make a common carrier TDD accessible and have relay capabilities. I would urge the FCC to carefully consider all views on this issue, the possible economic impact on the industry, and work closely with the Commerce Committee as the rule-making process would unfold. Furthermore, I would encourage the FCC to maintain a high level of communication directly with the hearing-impaired community so that their inter-

ests will be accurately represented. These interested parties together can achieve the noble goals set out in this measure.

Mr. President, I have concerns with the legislation—many of which I have mentioned in a general sense. My colleagues have also voiced other reservations in regard to the Americans With Disabilities Act of 1989. These concerns must be dealt with as action on the ADA proceeds. Most importantly, we must seek to minimize any adverse effects on small business. The ADA must be approached in the spirit of compromise, and I am sure it will be.

I believe this is an important and significant measure. Disabled Americans must be given the right to be fully participatory members of our community. This is a large step in that direction. I am pleased to offer my support, and look forward to working with the other sponsors of this legislation to address these concerns and questions.

Mr. SIMON. Mr. President, I am proud to join my colleagues today in introducing the Americans with Disabilities Act—a piece of legislation that can change the life of our Nation significantly for the better.

By not using the human resources of our Nation—by allowing discrimination to stand in the way of full participation by the estimated 15 percent of our population who has some form of disabling condition—we weaken ourselves as a nation. We are not fulfilling the promise of the American dream to all of our citizens.

It is 25 years since we enacted the Civil Rights Act of 1964. As we celebrate the anniversary of that event we pay tribute to the administration and Congress that had the vision and courage to say it was time for minorities in this country to have an equal chance to participate and to succeed. But as we celebrate that event, we are recognizing that we did not complete the job back in 1964 for all of the minorities who need equal access to opportunity in this Nation. The time has come to complete the guarantee of nondiscrimination for the more than 40 million Americans who must overcome not just a disabling condition, but the superstition, fear, and prejudice that accompanies it.

This legislation will not have the large price tag that some fear. In fact, the price of our not removing the barriers of discrimination is so large that no legislation we can contemplate at the moment would come close to it. More than \$100 billion a year is being spent by Federal, State, and local governments to sustain persons with disabilities in welfare situations. An estimated \$200 billion more may be lost in taxes and in the expenditures of non-profit organizations and family members. And there is simply no way to put a price tag on the lost dignity and independence of individuals who want to be contributing members of their

families, their communities, and their country.

The Rev. Dr. Martin Luther King, Jr., once said, "in our society it is murder, psychologically, to deprive a man of a job or an income. You are in substance saying to that man that he has no right to exist." For too long we have been allowing this message to be given to men and women with disabilities in our society. Discrimination in all its forms is a destroyer of the human spirit—and it is most certainly a destroyer of the promise of America to all of her citizens. The Americans with disabilities act will go far to fulfilling the promise—and to making us a better, more just, and more prosperous Nation.

Mr. CHAFEE. Mr. President, I am pleased to join in introducing the Americans With Disabilities Act of 1989. What better way could there be to mark the 25th year of the Civil Rights Act than for Congress to write into Federal law these fundamental and long overdue protections?

The 1964 Civil Rights Act was a landmark act in this Nation's civil rights history. But for too long, it has been an unfinished landmark, because its provisions do not afford protection to the 36 million Americans who are disabled. The Americans With Disabilities Act would address this longstanding gap by extending the relevant protections of the 1964 Civil Rights Act to those with disabilities.

It is an initiative designed to ensure that the American dream does not stop at the doorsteps of people with disabilities. This proposal stands for the proposition that no individual should be denied the opportunity to participate fully in our society. It stands for the proposition that our society should support independence rather than dependence among the disabled.

The Americans With Disabilities Act is also a logical partner to another piece of legislation many of us have sponsored—the Medicaid Home and Community Quality Services Act, S. 384. S. 384 would change Federal programs to reflect the same philosophies we are endorsing today: Opportunity, independence, and full participation in society.

It is time for both the public and private sectors to help, rather than hinder, those with disabilities in their attempt to achieve their fullest potential. Together, our efforts can ensure a future in which all of our citizens, regardless of their disability, will thrive.

Mr. LIEBERMAN. Mr. President, I am pleased to be a cosponsor of the Americans With Disabilities Act of 1989. For too long Americans with disabilities have been the victims of discrimination. As a society we have been guilty of underestimating their talents and the contributions they can make to this country.

This legislation, a civil rights act for people with disabilities, states that in no aspect of our society may we un-

justly discriminate against those with disabilities. The act bars discrimination in employment, in public services including public transportation and public buildings, public accommodations and communications. The act will enable us to uncover a wealth of skills in all our citizens and will enable people with disabilities to fully participate as equals in American society.

As a former attorney general I know that State governments express concern about the burdens placed upon them by laws such as this one. As a former attorney general I also know that this act does not place undue burdens on the States. It is a reasonable law which requires States to the maximum extent feasible to enable citizens with disabilities to fully participate in the life of their community and State. As attorney general I hired several attorneys with disabilities and discovered the ease with which reasonable accommodations can be made to enable people with disabilities to be contributing members of the work force.

There are more than 36 million people with disabilities in America today. Not only have we not done enough to help them fulfill their potential for productivity and enjoy the quality of life to which they are entitled, we as a society have placed often unsurmountable obstacles in their way. We have discriminated against people with disabilities and segregated them from our daily lives. Fifty percent of Americans with disabilities report household incomes of \$15,000 or below, 40 percent of people with disabilities did not graduate from high school and 66 percent of people with disabilities between the ages of 16 and 64 are not working. A majority of these people would like to be working but employers do not think they are capable and many are unable to find transportation to available jobs.

The Americans With Disabilities Act must be enacted. We can ill afford to ignore the skills and talents of people with disabilities; we need their contributions; we need their desire to work; we need to learn from them how much each individual is able to contribute. America will be a better place when we can assure that each person who wants to work can work, that each person is able to participate in the political process and that each person can communicate or visit with their loved ones as they wish.

Mr. KERRY. Mr. President, I rise in support of legislation being introduced today by the chairman of the Subcommittee on the Handicapped, Senator HARKIN. The Americans With Disabilities Act of 1989 is a crucial piece of legislation whose time is long overdue. The importance of this legislation cannot be overstated. This act is vital in the fight to end discrimination against the disabled in the areas of transportation, education, communication, and employment.

We as a society have always recognized our obligation to provide for our disabled neighbors, and in many respects we have done so. However most services provided have been in terms of maintenance and subsistence, and not in the area of eliminating the physical barriers and discrimination which are often the greatest difficulties facing disabled Americans. We need to redirect our energies toward enabling the disabled to be self-sufficient, independent citizens with the same opportunities as you and I.

According to a 1986 Harris poll 75 percent of all disabled citizens are not working, and tragically only 15 percent of all disabled citizens work full time. The primary reason for this is not because disabled individuals are incapable of work; it is not because of an individual's disability; and it is certainly not because of a lack of desire to work. Mr. President, this survey found that over one-half the disabled respondents cited discrimination as the primary obstacle to employment, and 28 percent cited the lack of accessible transportation.

Mr. President, lack of accessible transportation and mobility are major factors in limiting educational and employment opportunities, which are key to self-sufficiency and independence. Conversely, dependence resulting from limiting access and opportunity, not only strips a measure of dignity from capable individuals, but in terms of social services, lost wages, and wasted human potential, represents an enormous social and economic cost.

It is unconscionable to imagine an able work force languishing at home because there is no access to public transportation. Mr. President, I do not want to minimize the great strides made in urban and rural areas to accommodate travel for disabled Americans. But there is still a long route to travel on this necessary road, and we must pick up the pace. Tragically in the Nation as a whole the majority of our public transportation systems remain inaccessible to the disabled.

This legislation puts us on the right track in reversing this unacceptable performance. I am particularly pleased with the advances this legislation will make in the area of interstate and intrastate travel as well as the breakthroughs in telecommunications for disabled Americans.

The goal of universal access to transportation and the integration of disabled citizens into every aspect of everyday life, has been repeatedly expressed by President Bush. Unfortunately, in the President's decision to appeal the U.S. Court of Appeals decision *Adapt* versus Department of Transportation, he clearly missed his first opportunity to take action on these convictions. Should *Adapt* be allowed to stand, it will help accomplish many of the goals and objectives in the area of transportation set forth in this important bill. I urge the Presi-

dent to rethink his actions on this case, and not to let another chance to fulfill his promise slip away.

Mr. President, it is close to impossible to separate the ability to travel or communicate with both employment and a decent quality of life. For example being able to come and go to meetings, school, the movies, or the restaurant without planning days or weeks in advance is impossible for many disabled citizens. Talking on the telephone, following a sports game on television, or operating a word processor are all activities that most of us take for granted, yet they too are needlessly unavailable to many of the disabled.

I believe that the Americans With Disabilities Act represents true hope for equal opportunity for disabled Americans. The time has come for us to give disabled children a chance to dream of becoming doctors, lawyers, architects, or engineers, yes and President, and to know that it is not just a dream. As a people we can not afford to ignore or take pity on our neighbor, when there is no need. As a nation we can not continue to prosper without the contribution of disabled Americans, when they have so much to offer.

Again I applaud the efforts of the sponsor of this legislation, and look forward to working with all my colleagues toward the passage of this important bill.

Mr. CRANSTON. Mr. President, I am very pleased to join with the distinguished Senator from Iowa [Mr. HARKIN] and many other colleagues from both sides of the aisle in introducing this historic legislation.

The proposed Americans With Disabilities Act of 1989 (ADA) is an omnibus civil rights statute that has a single purpose—to help ensure that persons with disabilities have the opportunity—freed of the shackles of discriminatory practices—to participate in our society as fully as possible and, thus, to achieve their full potential.

Mr. President, this legislation represents a major advance. It is the culmination of efforts throughout the 1970's and 1980's—beginning with the development and enactment of the Rehabilitation Act of 1973, and its landmark section 504, of which I was a principal author—to secure the civil rights of disabled persons. This legislation says to millions of Americans who are disabled that it will no longer be allowable or acceptable for you to be discriminated against—that you will enjoy the same rights and access to jobs, transportation, public accommodations, and housing as do all other Americans.

Mr. President, as we approach the 1990's, people with disabilities are still too often brushed aside and pushed down—and not permitted to use their capabilities to the fullest. When given the opportunity, people with disabilities have made great contributions to the United States and, indeed, to the world. Unfortunately, so many bar-

riers and obstacles exist that those opportunities are still too few and far between. That has been society's great loss.

Over the last two decades, people with disabilities have made great inroads and are increasingly being recognized for their abilities, not their disabilities. But progress is slow. Although I recognize that we cannot legislate attitudes, we can make sure that unenlightened attitudes no longer find support in the law.

MASS TRANSIT PROVISIONS

Mr. President, as chairman of the Banking Committee's Subcommittee on Housing and Urban Affairs, I would like to make a brief statement on the mass transit provisions of this legislation. Our bill would codify the reasoning of the recent decision of the U.S. Court of Appeals for the Third Circuit in *Americans Disabled for Accessible Public Transportation v. Burnley*, 867 F.2d 1471 (1989).

In requiring that all new buses and new or newly altered transportation facilities be made accessible to persons with disabilities, to the maximum extent feasible and that paratransit services be made available as a supplemental service for those who may be unable to utilize lift-equipped buses, the court correctly ruled, "Only a mixed system of lift-equipped buses for those able to utilize them and a paratransit system for those who cannot will adequately implement the statutory mandates."

The court correctly stated that a segregated paratransit system alone would always result in "uneven treatment to the disabled," not only because it is segregated, but also because by its nature it "deprives the handicapped of spontaneous activity, whether it be of an emergency, business, or pleasurable nature." Unlike paratransit, which requires the making of travel reservations well in advance, mainline accessibility enables persons with disabilities to go to the nearest bus stop and board the next bus to come along, just like everyone else.

The court also properly determined that a requirement that newly purchased buses be accessible "does not exact a fundamental alteration to the nature of mass transportation" and would not impose any "undue financial burdens" on transit systems. In my view, the major benefits that accessible transportation will bring to persons with disabilities and to the American economy as a result of diminished unemployment and underemployment among persons with disabilities make the continuing effort to assure accessibility a high priority.

CONCLUSION

Mr. President, I was proud to have been an original cosponsor of the Americans with Disabilities Act last year. However, at that time, I expressed certain reservations about how quickly and how completely the goals

of the legislation were to be achieved under that bill.

The bill we are introducing today addresses my concerns and I believe sets forth reasonably realistic goals and timetables. I congratulate the chairman of the Subcommittee on the Handicapped, Mr. HARKIN, for his outstanding work over these last many months in crafting a strong, but balanced, measure that would be a major stride forward toward our goal of a United States where all citizens have an equal opportunity to pursue the American dream.

Mr. President, I urge all my colleagues to support this legislation.

Mr. RIEGLE. Mr. President, I am pleased to join Senators HARKIN, KENNEDY, DURENBERGER, JEFFORDS, SIMON, and McCAIN as an original cosponsor of the Americans With Disabilities Act of 1989.

This historic legislation will secure the civil rights of 43 million disabled Americans. For too long the disabled citizens of this country have not been afforded the rights guaranteed under the Civil Rights Act of 1964 or the Fair Housing Act of 1968.

Since the days of its inception, this Nation has encouraged and valued independence and self-sufficiency. Discrimination stands as a barrier to the achievement of self-sufficiency. By prohibiting discrimination in employment, the provision of public services, transportation, and telecommunications, this bill is a critical step in assuring the disabled that they have equal opportunity to realize their full potential.

One of the prime goals of legislation affecting disabled Americans has been the effort to incorporate them into the mainstream. While the Americans With Disabilities Act would remove the barriers to participation in the workforce, efforts must also be made to ensure that participation is possible. The present system of disability insurance encourages retirement from the workforce. This approach is wrong. Americans with disabilities should have every encouragement to take advantage of the options opened up by the Americans With Disabilities Act. I will soon introduce with Senator DOL a bill that will provide work incentives to those who receive Social Security disability income.

In addition, I have introduced S. 200, the Social Security Disability Beneficiary Rehabilitation Act of 1989. This legislation would re-direct the SSDI program away from the retirement model and toward a program specifically designed to meet the needs of disabled workers. A vocational rehabilitation evaluation would be integrated into the initial and ongoing determination process.

Mr. President, I would also note that the Americans With Disabilities Act of 1989 substantially curtails the requirements of employers and localities contained in the 1988 version of the bill.

No longer does a company have to prove the threat of bankruptcy to be exempt from the requirements; rather, the bill requires reasonable accommodations for handicapped employees unless such requirement would pose an undue hardship. The bill also clarifies section 504 with regard to access to transportation for the disabled.

I urge my colleagues to join me in support of this historic expression of this country's commitment to civil rights for its disabled citizens.

Mr. JEFFORDS. Mr. President, last year, the Task Force on the Rights and Empowerment of Americans With Disabilities, chaired by Justin Dart, visited all 50 States to conduct public forums on discrimination against people with disabilities. Across the country, the task force found that in many cases protections against discrimination on the basis of disability are either lacking or poorly enforced.

The evidence collected by the task force has laid the groundwork for action by Congress this year. This is the year that we must pass the Americans With Disabilities Act. We must make the dream of equal opportunity a reality for America's 37 million people with disabilities.

The Americans With Disabilities Act builds on earlier anti-discrimination statutes such as the Civil Rights Act of 1964, the Fair Housing Amendment Act of 1988, and most notably, the Rehabilitation Act of 1973. To a large extent, the Americans With Disabilities Act simply enhances the application of these earlier laws and in some cases extends to the private sector several of the safeguards against discrimination that already apply to the Federal Government.

The bill would affect discrimination on the basis of disability in employment, public accommodations, public services (including transportation), and communications. This year's legislation is slightly different from the version introduced in the 100th Congress, primarily in an effort to lower any costs associated with the bill, while preserving the objective of preventing discrimination.

Certainly, I am aware that there are still some concerns about the bill. The series of hearings that have been scheduled over the next few weeks should provide us with the information that we need to address these concerns and to consider any further adjustments to the bill that might be necessary.

So I am looking forward to the hearings and to action early in this Congress. As President Bush has stated, the passage of the Americans With Disabilities Act will provide nothing more than "simple fairness." Simple fairness for the millions of Americans who want nothing more than the opportunity to contribute their talents to our great Nation.

By Mr. THURMOND:

S. 934. A bill to suspend temporarily the duty on K-Acid; to the Committee on Finance.

S. 935. A bill to suspend temporarily the duty on Broenner's acid; to the Committee on Finance.

S. 936. A bill to temporarily suspend the duty on D Salt; to the Committee on Finance.

S. 937. A bill to suspend temporarily the duty on Neville and Winter's acid; to the Committee on Finance.

S. 938. A bill to suspend temporarily the duty on anis base; to the Committee on Finance.

S. 939. A bill to suspend temporarily the duty on naphthol AS types; to the Committee on Finance.

TEMPORARY SUSPENSION OF DUTY ON CERTAIN CHEMICALS

Mr. THURMOND. Mr. President, I rise today to introduce six bills which will suspend the duties imposed on certain chemicals used in coloring textile products, paints, inks, and plastic components. Currently, these chemicals are imported for use in the United States because there is no domestic supplier or readily available substitute. Therefore, suspending the duties on these chemicals would not adversely affect domestic industries.

The first bill would temporarily suspend the duty on 1-Amino-8-hydroxy-4,6-naphthalene disulfonic acid mono sodium salt (K-Acid) which is a chemical used in the manufacturing of reactive dyes for the textile industry.

The second bill would temporarily suspend the duty on 2-Naphthyl amine-6-sulfonic acid (Broenner's acid) which is used in making reactive dyes for coloring cotton and wool.

The third bill would temporarily suspend the duty on 2-Naphthyl amine-1,5-disulfonic acid and the mono sodium salt (D Salt). Both of these components are combined and used in the manufacturing of reactive dyes for cotton and wool.

The fourth bill would temporarily suspend the duty on 1-Naphthol-4-sulfonic acid and the mono sodium salt (Neville and Winter's Acid). Once again these chemicals are used in the manufacturing of reactive dyes for cotton and wool products.

The fifth bill would temporarily suspend the duty on 3-Amino-methoxy benzanilide (anis base) which is used in the production of Azo pigments. These pigments are used in the production of paints, printing inks, and colorants for plastics.

The sixth and last bill would temporarily suspend the duty on 3-Hydroxy-2-naphthanilide, 3-Hydroxy-2-naphtho-o-toluidide, 3-Hydroxy-2-naphtho-o-anisidide, 3-Hydroxy-2-naphtho-o-phenetidide, 3-Hydroxy-2-naphtho-o-chloro-2,5-dimethoxy Anilide, and N,N'-bis [acetoacetyl-O-toluidine] (naphthol AS types). These pigments are also used in the production of paints, printing inks, and colorants for plastics.

Mr. President, suspending the duty on these chemicals will benefit the

consumer by stabilizing the costs of manufacturing the end-use products. Further, these suspensions will allow domestic producers to maintain or improve their ability to compete internationally. There are no known domestic producers of these materials. I hope the Senate will consider these measures expeditiously.

I ask unanimous consent that the text of the bills be printed in the RECORD immediately following my remarks.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 934

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. K-ACID.

Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"9902.30.87 1-Amino-8-hydroxy-4,6-naphthalene disulfonic acid mono sodium salt (CAS No. 65294-32-2) provided for in subheading 2322.21.50). Free ... No change ... No change ... On or before 12/31/92"

SEC. 2. EFFECTIVE DATE.

The amendment made by the first section of this Act applies with respect to articles entered, or withdrawn from warehouse for consumption, on or after the 15th days after the date of the enactment of this Act.

S. 935

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. BROENNER'S ACID

Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"9902.30.07 2-Naphthyl amine-6-sulfonic acid (CAS No. 93-00-5) (provided for in subheading 2321.42.50). Free ... No change ... No change ... On or before 12/31/92"

SEC. 2. EFFECTIVE DATE.

The amendment made by the first section of this Act applies with respect to articles entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

S. 936

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. D SALT

Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading: